

1653
Aug-12-2003 11:08am From-The Scripps Research Institute OTD/OPC +

T-477 P.001/006 F-122

Office of Patent Counsel
The Scripps Research Institute
10550 North Torrey Pines Road, TPC-8
La Jolla, CA 92037

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DELIVER TO: Examiner Sheridan Snedden
U.S. Patent and Trademark Office

FACSIMILE TELEPHONE NO: (703) 872-9306

FROM: Nancy Barker

DATE: August 12, 2003

SERIAL NO.: 09/600,985

(Atty Docket TSRI 568.1)

TOTAL NUMBER OF PAGES: 6 (INCLUDING COVER SHEET).

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T-477 P.002/006 F-122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this COMMUNICATION and the documents referred to as enclosed therein are being transmitted via facsimile on the date indicated below addressed to: Examiner S. Snedden, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nancy Barker
Nancy Barker

08/12/2003
Date of Deposit

Applicant: Madison) Group Art Unit: 1653
)
Serial No.: 09/600,985) Examiner: S. Snedden
)
Filing Date: November 13, 2000) Our Ref.: TSRI 568.1
)
Title: TISSUE TYPE PLASMINOGEN)
ACTIVATOR (t-PA) VARIANTS:)
COMPOSITIONS AND METHODS)
OF USE)

COMMUNICATION AFTER ALLOWANCE

Attn: Examiner S. Snedden
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile
(703) 872-9306

Sir:

Pursuant to the Notice of Allowance mailed May 20, 2003, it is noted that an error appears in the Notice of Allowability. Page 1 of the Notice of Allowability states that the allowed claims are 18-20, 22-24, 27 and 29-31. In direct contrast, page 2 of the Notice states that these same claims 18-20, 22-24, 27 and 29-31 have been canceled and that claims 1-17, 21, 25-26, 28 and 32 are pending. For the convenience of the Examiner, Applicant has enclosed a copy of pages 1-3 of the Notice of Allowability. Applicant respectfully requests that

Aug-12-2003 11:09am

From-The Scripps Research Institute OTD/OPC +

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-2-

TSRI 568.1

this error be corrected to indicate that claims 1-17, 21, 25-26, 28 and 32 have been allowed. Confirmation that this error has been corrected prior to issuance is respectfully requested.

8/12/03

Date

Thomas Fitting

Thomas Fitting, Reg. No. 34,163

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Notice of Allowability

Application No.

09/600,985

Applicant(s)

MADISON, EDWIN L.

Examiner

Sheridan K Snedden

Art Unit

1653

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/19/03.
2. ☒ The allowed claim(s) is/are 18-20, 22-24, 27 and 29-31.
3. ☒ The drawings filed on 13 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Paper #17, filed 14 March 2003. Claims 18-20, 22-24, 27, 29 and 30-31 have been canceled. Claims 1-17, 21, 25-26, 28 and 32 are pending.

2. All objections and/or rejections are withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Fitting on May 14, 2003.

4. The claims has been amended as follows:
- After "protein" in Claim 1, line 1, insert "(SEQ ID NO: 1)".
- After "protein" in Claim 21, line 1, insert "(SEQ ID NO: 1)".
- After "protein" in Claim 32, line 1, insert "(SEQ ID NO: 1)".

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

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The prior art is free of any disclosure teaching or suggesting a variant of tPA that includes a substitution at position R275 and one other basic residue in the serine protease region resulting in the disruption of the salt bridge between K429 and D477 characterized by reduced catalytic of amidolytic activity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Claims 18-20, 22-24, 27, 29 and 30-31 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan K. Snedden whose telephone number is (703) 305-4843. The examiner can normally be reached on Monday - Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone number for regular communications to the organization where this application or proceeding is assigned is (703) 746-3975.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

SKS
May 14, 2003


KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER